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FILED
08 JUL 29 AM 11:28
RICHARD W. WICKING
U.S. DISTRICT COURT
CALIFORNIA

(PR)

WHA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CV 08

3620

CASE NO. _____

VICTOR AVINA

Plaintiff,

vs.

ROBER A. MOREL

Defendant.

PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS

I, VICTOR AVINA, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes No X

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: _____ Net: _____

Employer: _____

If the answer is "no," state the date of last employment and the amount of the gross and net salary

PRIS. APPLIC. TO PROC. IN FORMA

PAUPERIS, Case No. _____

1 and wages per month which you received. (If you are imprisoned, specify the last place of
2 employment prior to imprisonment.)

3 LAST DATE OF EMPLOYMENT '95, DIAMOND MEAT COMPANY, MENLO
4 PARK, CA.

6 2. Have you received, within the past twelve (12) months, any money from any of the following
7 sources:

8 a. Business, Profession or Yes ___ No

9 self employment

10 b. Income from stocks, bonds, Yes ___ No

11 or royalties?

12 c. Rent payments? Yes ___ No

13 d. Pensions, annuities, or Yes ___ No

14 life insurance payments?

15 e. Federal or State welfare payments, Yes ___ No

16 Social Security or other govern-

17 ment source?

18 If the answer is "yes" to any of the above, describe each source of money and state the amount
19 received from each.

22 3. Are you married? Yes No

23 Spouse's Full Name: BERTHA HERNANDEZ

24 Spouse's Place of Employment: UNKNOWN

25 Spouse's Monthly Salary, Wages or Income:

26 Gross \$ UNKNOWN Net \$ UNKNOWN

27 4. a. List amount you contribute to your spouse's support: \$ 8

PRIS. APPLIC. TO PROC. IN FORMA

1 b. List the persons other than your spouse who are dependent upon you for support
 2 and indicate how much you contribute toward their support. (NOTE: For minor
 3 children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

4 _____

5 _____

6 Do you own or are you buying a home? Yes ____ No

7 Estimated Market Value: \$ _____ Amount of Mortgage: \$ _____

8 Do you own an automobile? Yes ____ No

9 Make _____ Year _____ Model _____

10 Is it financed? Yes ____ No ____ If so, Total due: \$ _____

11 Monthly Payment: \$ _____

12 7. Do you have a bank account? Yes ____ No (Do not include account numbers.)

13 Name(s) and address(es) of bank: _____

14 _____

15 Present balance(s): \$ _____

16 Do you own any cash? Yes ____ No ____ Amount: \$ _____

17 Do you have any other assets? (If "yes," provide a description of each asset and its estimated

18 market value.) Yes ____ No ____

19 _____

20 8. What are your monthly expenses?

21 Rent: \$ 0 Utilities: 0

22 Food: \$ 0 Clothing: 0

23 Charge Accounts:

<u>Name of Account</u>	<u>Monthly Payment</u>	<u>Total Owed on This Acct.</u>
------------------------	------------------------	---------------------------------

25 \$ _____	\$ _____
------------------	----------

26 \$ _____	\$ _____
------------------	----------

27 \$ _____	\$ _____
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28 PRIS. APPLIC. TO PROC. IN FORMA

PAUPERIS, Case No. _____

1 9. Do you have any other debts? (List current obligations, indicating amounts and to whom
2 they are payable. Do not include account numbers.)

3 NO

4
5 10. Does the complaint which you are seeking to file raise claims that have been presented in
6 other lawsuits? Yes No X

7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which
8 they were filed.

9
10
11 I consent to prison officials withdrawing from my trust account and paying to the court the
12 initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and understand
14 that a false statement herein may result in the dismissal of my claims.

15

16

7-24-08

H. A. -

17

DATE

SIGNATURE OF APPLICANT

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PRIS. APPLIC. TO PROC. IN FORMA

PAUPERIS, Case No. _____

1 Case Number: _____
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7 **CERTIFICATION OF FUNDS**
8
9
10
11 **IN**
12
13 **PRISONER'S ACCOUNT**
14
15
16

17 I certify that attached hereto is a true and correct copy of the prisoner's trust account
18 statement showing transactions of Victor Manuel Avina K15466 for the last six months at
19 Pelican Bay State Prison where he is confined.

20
21 I further certify that the average deposits each month to this prisoner's account for the
22 most recent 6-month period were \$16.67 and the average balance in the prisoner's account each
23 month for the most recent 6-month period was \$91.46. (20% = \$18.29)
24
25
26

27 Dated: 7/22/08

28 L. Lee Aut. Sign
29 Authorized officer of the institution



30 THE WITHIN INSTRUMENT IS A CORRECT
31 COPY OF THE TRUST ACCOUNT MAINTAINED
32 BY THIS OFFICE.
33 ATTEST: 7-22-08
34 CALIFORNIA DEPARTMENT OF CORRECTIONS
35 BY S. Kleppin
36 TRUST OFFICE

CALIFORNIA DEPARTMENT OF CORRECTIONS
PELICAN BAY STATE PRISON
INMATE TRUST ACCOUNTING SYSTEM
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JAN. 01, 2008 THRU JUL. 22, 2008

ACCOUNT NUMBER : K15466
ACCOUNT NAME : AVINA, VICTOR MANUEL
PRIVILEGE GROUP: DBED/CELL NUMBER: CF08U 000000213L
ACCOUNT TYPE: I

TRUST ACCOUNT ACTIVITY

TRAN	DATE	CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
	01/01/2008		BEGINNING BALANCE					161.11
01/03	FC04	DRAW-FAC 4	2823 C-8			45.00		116.11
01/16	W350	SPECIAL PURCH	3021 SP11	283149487		22.04		94.07
01/17	W502	POSTAGE CHARG	3068			0.41		93.66
01/17	W502	POSTAGE CHARG	3068			0.41		93.25
01/18	W502	POSTAGE CHARG	3091			0.41		92.84
01/18	W502	POSTAGE CHARG	3091			0.41		92.43
01/22	W502	POSTAGE CHARG	3133			0.02		92.41
01/23	W502	POSTAGE CHARG	3140			0.41		92.00
01/24	W502	POSTAGE CHARG	3168			0.41		91.59
01/24	W502	POSTAGE CHARG	3172			0.41		91.18
01/24	W502	POSTAGE CHARG	3172			0.41		90.77
01/24	W502	POSTAGE CHARG	3191			0.41		90.36
01/25	W502	POSTAGE CHARG	3195			0.41		89.95
01/25	W502	POSTAGE CHARG	3197			0.02		89.93
01/25	W502	POSTAGE CHARG	3197			0.02		89.91
01/25*W502		POSTAGE CHARG	3201			0.41		89.50
01/30	W502	POSTAGE CHARG	3257			0.58		88.92
01/30	W502	POSTAGE CHARG	3257			0.58		88.34
02/04	FC04	DRAW-FAC 4	3376 C-8			30.00		58.34
02/14	W502	POSTAGE CHARG	3570			0.41		57.93
02/14	W502	POSTAGE CHARG	3570			0.41		57.52
02/14	W502	POSTAGE CHARG	3570			0.41		57.11
02/20	W502	POSTAGE CHARG	3631			0.41		56.70
02/27	W502	POSTAGE CHARG	3755			0.41		56.29
02/27	W502	POSTAGE CHARG	3758			0.41		55.88
02/27	W502	POSTAGE CHARG	3758			0.41		55.47
03/03	FC04	DRAW-FAC 4	3829 C-8			15.00		40.47
03/05	W502	POSTAGE CHARG	3873			0.41		40.06
03/06	W502	POSTAGE CHARG	3914			0.97		39.09
03/14	W502	POSTAGE CHARG	4040			0.41		38.68
03/26	W502	POSTAGE CHARG	4202			0.41		38.27
03/26*W502		POSTAGE CHARG	4202			0.41		37.86
03/26	W502	POSTAGE CHARG	4202			0.41		37.45
03/26*W502		POSTAGE CHARG	4202			0.41		37.04
03/28	FR01	CANTEEN RETUR	704225			3.50-		40.54
04/02	FC04	DRAW-FAC 4	4285 C8			30.00		10.54
04/16	W502	POSTAGE CHARG	4543			0.41		10.13
04/23	W516	LEGAL COPY CH	4636			1.60		8.53
05/01	W502	POSTAGE CHARG	4726			0.41		8.12
05/01	W502	POSTAGE CHARG	4726			0.41		7.71
05/01	W502	POSTAGE CHARG	4726			0.41		7.30
05/01	W502	POSTAGE CHARG	4726			1.14		6.16



THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE TRUST ACCOUNT MAINTAINED
BY THIS OFFICE.
ATTEST: 7-22-08
CALIFORNIA DEPARTMENT OF CORRECTIONS

BY S. Kleppin
TRUST OFFICE

PELICAN BAY STATE PRISON
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JAN. 01, 2008 THRU JUL. 22, 2008

ACCT: K15466 ACCT NAME: AVINA, VICTOR MANUEL ACCT TYPE: I
TRAN

DATE	CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
05/05	W502	POSTAGE CHARG	4806			0.97	5.19
05/05	W502	POSTAGE CHARG	4806			0.41	4.78
05/12	D300	CASH DEPOSIT	4897 #218		100.00		104.78
05/16	W502	POSTAGE CHARG	5013			0.42	104.36
05/16	W502	POSTAGE CHARG	5013			0.42	103.94
05/16	W502	POSTAGE CHARG	5013			0.42	103.52
05/23	W536	COPAY CHARGE	5109M05/19			5.00	98.52
06/03	FC04	DRAW-FAC 4	5246 C-8			45.00	53.52
06/04	W502	POSTAGE CHARG	5283			0.42	53.10
06/04	W502	POSTAGE CHARG	5283			0.42	52.68
06/04	W502	POSTAGE CHARG	5283			0.42	52.26
06/23	W512	LEGAL POSTAGE	5596			1.51	50.75
06/23	W516	LEGAL COPY CH	5601			0.60	50.15
06/23	W502	POSTAGE CHARG	5606			0.42	49.73
07/02	W502	POSTAGE CHARG	0021			0.42	49.31
07/02	W502	POSTAGE CHARG	0021			0.42	48.89
07/08	FC04	DRAW-FAC 4	0122 C-8			45.00	3.89
07/09	W502	POSTAGE CHARG	0181			0.42	3.47
07/09	W502	POSTAGE CHARG	0181			0.42	3.05

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
161.11	100.00	258.06	3.05	0.00	0.00



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ATTEST: 7-22-08
CALIFORNIA DEPARTMENT OF CORRECTIONS
BY S. Kleppin
TRUST OFFICE

CURRENT
AVAILABLE
BALANCE

3.05